

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,
Plaintiff,
- against -
LLOYD KIDD,
Defendant.

18 Cr. 872 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

On February 2, 2024, Defendant Lloyd Kidd requested the appointment of counsel in connection with a proposed motion under 28 U.S.C. § 2255. (See Dkt. No. 135.) The Court on February 5, 2024 declined to appoint counsel (see Dkt. No. 137), advising Defendant to file his proposed motion and further advising that the Court will at that point determine whether it is necessary to appoint counsel. See United States v. Feliz, No. 16 Cr. 809, 2023 WL 8275897, at *2 (S.D.N.Y. Nov. 30, 2023) (setting forth standard for appointment of counsel with respect to collateral attack). Further, the Court on February 5, 2024 ordered the Clerk of Court to mail the Instructions for Filing Motion under 28 U.S.C. § 2255* to Defendant Lloyd Kidd, No. 86406054, FCI Williamsburg, P.O. Box 340, Salters, S.C. 29590. (See Dkt. No. 137.)

* The instructions are also available on the Court's website, located at <https://www.nysd.uscourts.gov/node/839>.

Defendant has apparently received a copy of the Court's previous Order denying (at least for now) his request for counsel and advising him to file his 28 U.S.C. § 2255 motion. (See Dkt. Nos. 138-39, 141.) Yet Defendant has now filed another motion for appointment of counsel "to represent me for my 2255 Motion." (Dkt. No. 141 (filed Mar. 6, 2024).)

For the reasons above and the reasons articulated in response to Defendant's previous motion for appointment of counsel, the Court again **DENIES** Defendant's motion (see Dkt. No. 141) for appointment of counsel and again advises Defendant to proceed with filing his 28 U.S.C. § 2255 motion. The Court assures Defendant that if he does file such a § 2255 motion, the Court will at that time review the motion and determine whether to appoint him counsel. See Feliz, 2023 WL 8275897, at *2.

SO ORDERED.

Dated: 7 March 2024
New York, New York



Victor Marrero
U.S.D.J.